

VOLUME: 2
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA)	CRIMINAL ACTION NO.
)	2:16-cr-084-1
v.)	
)	
ALISON GU,)	
Defendant.)	

MERITS HEARING
Thursday, May 26, 2022
Burlington, Vermont

BEFORE:

THE HONORABLE CHRISTINA C. REISS,
District Judge

APPEARANCES VIA VIDEOCONFERENCE:

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1 Thursday, May 26, 2022

2 (The following was held via videoconference at 11:02 AM.)

3 COURTROOM DEPUTY: Your Honor, the matter before the
4 Court is criminal case number 16-CR-84-1, United States of
5 America v. Alison Gu. Present via videoconference for the
6 Government is Assistant United States Attorney Michael
7 Drescher; the defendant's attorney, Mary Nerino, is also
8 present via video, as is the defendant, and I believe we have
9 Doug Cowher from the U.S. Probation Office; and we are here for
10 the continuation of the merits hearing.

11 THE COURT: Good morning. We are here by
12 videoconference with Ms. Gu's continued consent. We're in the
13 midst of our evidentiary hearing, which did not finish on our
14 first day.

15 And let me do some housekeeping and figure out how many
16 witnesses we have left.

17 Let's start with the Government.

18 MR. DRESCHER: Your Honor, we have one witness left.
19 We intend to call her today with the Court's permission, and
20 that's Probation Officer Jessica Dickson from the District of
21 Connecticut. At the conclusion of her testimony, I'm going to
22 move the admission of what is in the evidence binder that I
23 have shared with the Court and the parties as -- I've marked as
24 Exhibit 15, which is Ms. Gu's trial testimony, and subject to
25 the Court's ruling on my motion to admit -- or my efforts to

1 admit that as an exhibit in this hearing, we would be prepared
2 to rest.

3 THE COURT: All right. Let me ask Ms. Gu how many --
4 Ms. Gu's counsel how many witnesses you plan on calling.

5 MS. NERINO: Good morning, your Honor.

6 We do not plan on calling any witnesses today. We will be
7 calling them at the June 1 hearing.

8 THE COURT: At the June 1 hearing for what purpose?

9 MS. NERINO: Our understanding, or we certainly would
10 not have agreed to today, was that this was just for the
11 limited purpose for the Government to call their remaining
12 witness, USPO Dickson, and that they would -- that we would
13 still have the hearing as scheduled for next week.

14 THE COURT: All right. And was that -- I guess I did
15 not necessarily have that opinion, but it doesn't make any
16 difference to me. I'll be here both days. I sometimes just
17 look at the next event and don't think about the one after
18 that.

19 Let me make sure, Mr. Drescher, that was your
20 understanding as well.

21 MR. DRESCHER: No, that was our understanding. Your
22 Honor had initially set the next hearing for June 1, but then
23 when we learned that Officer Dickson would not be available on
24 June 1. I checked in with Ms. Ruddy and Ms. Nerino to see if
25 we could get her testimony in before her unavailability, and I

Jessica Dickson - Direct

1 appreciate everybody's willingness to get together by Zoom
2 today for that limited purpose, and then we would -- with the
3 understanding we would resume in person on June 1 for whatever
4 case Ms. Gu intends to present.

5 THE COURT: Perfect. All right. That makes sense to
6 me, and it also makes me feel better that -- as to how this
7 came about that this is the kind of in-between hearing of the
8 two that we were going to have.

9 So you may call your witness, Mr. Drescher.

10 MR. DRESCHER: Thank you. We call Probation Officer
11 Jessica Dickson. I understand from Ms. Ruddy that she is in
12 the Zoom waiting room.

13 COURTROOM DEPUTY: And she has joined us, Judge.

14 THE COURT: All right. Would you please swear her in,
15 Ms. Ruddy.

16 COURTROOM DEPUTY: Ms. Dickson, please raise your
17 right hand. State your full name for the record.

18 THE WITNESS: Jessica Dickson.

19 JESSICA DICKSON,

20 having been first duly sworn by the courtroom deputy,

21 was examined and testified as follows:

22 THE WITNESS: I do.

23 DIRECT EXAMINATION

24 BY MR. DRESCHER:

25 Q Good morning, Ms. Dickson.

Jessica Dickson - Direct

1 A Good morning.

2 Q Ma'am, where are you employed?

3 A I'm employed with the United States Probation Office.

4 Q And in what district?

5 A Connecticut.

6 Q And what is your position within the Probation Office?

7 A United States probation officer.

8 Q And what are your responsibilities as a probation officer?

9 A We have a lot of responsibilities, but I supervise people
10 on both pretrial and postconviction.

11 Q Are you the probation officer primarily responsible for
12 supervising Alison Gu within the District of Connecticut?

13 A Yes.

14 Q When did you become involved in Ms. Gu's supervision?

15 A In 2020.

16 Q And can you give us a general sense for how often you
17 interact with Ms. Gu, whether it's in person or by phone or in
18 any other manner?

19 A Sure. She's a low to moderate risk, so I see her
20 approximately every 90 days in person, and if something happens
21 in between then, we will talk on the phone or text.

22 Q Now, when you contact her by phone, what number do you
23 call?

24 A I don't have the exact number memorized, but it is an 802
25 Vermont phone number.

Jessica Dickson - Direct

1 Q Does -- do you have access to the number that you use to
2 call her while you're in your office today?

3 A Yes.

4 MR. DRESCHER: With the Court's permission, would you
5 permit Officer Dickson to look up the number so that we can
6 have that on the record?

7 THE COURT: Any objection?

8 MS. NERINO: No objection, your Honor.

9 THE COURT: You may do so.

10 A Okay. So it's 802-458-2152.

11 Q During the period of time you've been supervising Ms. Gu,
12 where has she resided?

13 A 7 Edith Place in Cheshire, Connecticut.

14 Q And during your time supervising Ms. Gu, have you been
15 aware of any other adults living at that residence?

16 A Only her son.

17 Q Did you make any home visits to 7 Edith Place in July of
18 last year?

19 A I did.

20 Q And am I right that that was on July 14 of 2021?

21 A Yes.

22 Q And did you encounter Ms. Gu at her residence on that --
23 on that occasion?

24 A Yes.

25 Q Officer Dickson, did Alison Gu report to you that she was

Jessica Dickson - Direct

1 questioned by police in September of 2021 during a police
2 investigation into whether Gu wrote a bad check?

3 A No.

4 Q Did she report to you that she was questioned by police in
5 September 2021 for any purpose?

6 A Not to my knowledge.

7 Q Ma'am, have you had a chance to review a voice mail that I
8 shared with you by e-mail that features a recording of a female
9 voice during which a woman identifies herself as Aly and as
10 living at 7 Edith Place in Cheshire with a problem of no
11 running water in her residence?

12 A Yes.

13 MR. DRESCHER: Your Honor, I understand Ms. Nerino is
14 prepared to stipulate that the voice mail recording that I --
15 that the witness and I are talking about is that which has
16 already been admitted as Exhibit 1.

17 MS. NERINO: That is correct, your Honor.

18 THE COURT: Okay.

19 Q Officer Dickson, do you recognize the voice on that
20 recording?

21 A Yes.

22 Q Whose voice is it?

23 A I recognize it to be Ms. Gu's voice.

24 MR. DRESCHER: I have no further questions.

25 THE COURT: Any cross-examination?

Jessica Dickson - Cross

1 MS. NERINO: Yes, your Honor.

2 CROSS-EXAMINATION

3 BY MS. NERINO:

4 Q So you've been supervising Ms. Gu since 2020; is that
5 correct?

6 A Yes.

7 Q And throughout your supervision of Ms. Gu, it's pretty
8 regular that you-all exchange text messages in order to discuss
9 various things that are going on in her life?

10 A Yes.

11 Q She's updated you, for example, that her son Philip was
12 getting into trouble?

13 A Yes.

14 Q She also would text you when she had travel requests?

15 A Most of them.

16 Q And you had an understanding with Ms. Gu about her travel
17 to Vermont, and so it was more of an informal process for her
18 to request travel to Vermont, right?

19 A Yes.

20 Q And you guys did that via text message?

21 A Yes.

22 Q And she actually texted you on Thursday, July 15 of 2021,
23 about visiting Vermont to go with her daughter for a sleepover,
24 correct?

25 A Yes.

Jessica Dickson - Cross

1 Q And she said that she would be back that Monday?

2 A I don't remember the exact text message, but I do know
3 that she texted me on that day.

4 Q Okay. And when she texted you, she told you the duration
5 of time that she would be gone?

6 A I don't remember the exact text message.

7 Q Okay. But when she texts you that she's going to be out
8 of the state and she tells you where she's going, you keep
9 track of where she's going to be, right?

10 A Yes.

11 Q Okay. So -- but you do remember her texting you that
12 Thursday, July 15, that she was leaving the next day to go to
13 Vermont with her daughter?

14 A Yes.

15 Q And that would be her daughter, Rachel?

16 A Yes.

17 Q Okay. You mentioned that the only adult that was living
18 with Ms. Gu at the time that you were supervising her was her
19 son Philip.

20 A Yes.

21 Q And that was the only adult living with her full time,
22 right?

23 A To my knowledge.

24 Q So her other children would come and stay with her,
25 correct?

Jessica Dickson - Cross

1 A Yes. Yes.

2 Q And you were aware that they would come and visit?

3 A Yes.

4 Q And they're both adults at this point?

5 A I was unaware that they were adults.

6 Q Okay. But -- so are you aware that they're both over 18
7 at this point?

8 A I was not aware of the son, her second son, being over 18.

9 Q Okay. Ms. Gu did not have any prohibition about having
10 people stay over at her house, correct?

11 A Correct.

12 Q So she had -- she was able to have visits with relatives
13 who would stay there or friends that she wouldn't have to get
14 permission from you in advance, right?

15 A Correct.

16 Q And the home that Ms. Gu was living in, that was not a
17 home that she is the owner of, right?

18 MR. DRESCHER: Objection. Foundation.

19 THE COURT: If the probation officer knows, she'll let
20 us know, and if she doesn't know, she'll let us know that as
21 well. I'll allow it.

22 A I do not know at this point who the owner of the home is.

23 Q Okay.

24 MS. NERINO: The Court's indulgence for one moment.

25 I have no further questions, your Honor. Thank you.

Jessica Dickson - Redirect

1 THE COURT: Any redirect?

2 REDIRECT EXAMINATION

3 BY MR. DRESCHER:

4 Q With regard to Ms. Nerino's questions to you about
5 messaging between you and Ms. Gu relating to her travel, I
6 believe it was on July 15 of last year, Ms. Dickson?

7 A Yes.

8 Q Do you still have those communications?

9 A I do.

10 Q Do you have access to them as we speak?

11 A I do.

12 Q If -- with the Court's indulgence, would you -- if the
13 Court permits, would you look up the messaging between you and
14 Ms. Gu from July 15, please.

15 THE COURT: I will allow this because the defendant
16 has put this at issue, so you may do so.

17 MS. NERINO: I have no objection to this, your Honor.
18 Thank you.

19 A I thought I had it in my file. I have to find it in my
20 phone.

21 I have August 5, actually, as the date that she talks
22 about the sleepover, so --

23 MR. DRESCHER: That being the date, I don't think it's
24 relevant to the issue under consideration. Unless Ms. Nerino
25 wants her to read an August 5 message into the record, I don't

Jessica Dickson - Recross

1 think it's necessary.

2 MS. NERINO: Your Honor, if I just may inquire of the
3 witness.

4 RECROSS-EXAMINATION

5 BY MS. NERINO:

6 Q Can you read to us any messages that you have from July
7 15?

8 THE COURT: You may do that.

9 Ms. Dickson, any thoughts as to why you are -- what's the
10 delay?

11 THE WITNESS: So she just texted it to me, but I never
12 received that on my phone.

13 THE COURT: Okay. So somebody just texted you this
14 message?

15 THE WITNESS: Ms. Gu just texted me a screenshot of
16 her message, but on my phone on July 15, I never got that
17 message.

18 THE COURT: Okay. So during our hearing, she texted
19 it to you?

20 THE WITNESS: Just, like, this second.

21 THE COURT: Okay. And what -- what did she text you?
22 What does it say?

23 THE WITNESS: So -- hang on. I've got to go back. It
24 says "On Thursday, July 15: Hi. I'm going to Vermont tomorrow
25 with my daughter for a sleepover. Will be back Monday."

Jessica Dickson - Redirect

1 THE COURT: Okay. And then tell me the August 5,
2 2021, text that you do have on your phone.

3 THE WITNESS: The August 5 said "Hi. I'm going to
4 Vermont today to drop my daughter off at a sleepover. Will be
5 back tomorrow."

6 THE COURT: Okay. All right. Mr. Drescher, were
7 your -- I think we are in your examination, and then -- but we
8 kind of got into recross. Do you have any further questions
9 for Ms. Dickson?

10 REDIRECT EXAMINATION

11 BY MR. DRESCHER:

12 Q Just to confirm, Officer Dickson, and I appreciate that
13 the defendant has actually been communicating with you during
14 your testimony today, are you able to -- do you see any record
15 in your files of a communication coming in from Ms. Gu on July
16 15 similar to what she appears to have sent you today during
17 your testimony?

18 A No. But her screenshot is green and sent as a text
19 message, so likely I didn't have service and never received it.
20 I don't have anything in my file.

21 MR. DRESCHER: Thank you. I have nothing further.

22 THE COURT: Any recross?

23 MS. NERINO: No, your Honor. Thank you.

24 THE COURT: Let me ask a follow-up question. So she's
25 sending you a text in real time during the hearing, and you

1 just told the Court it's green, and that means that you didn't
2 receive it. What are you talking about?

3 THE WITNESS: Yes, your Honor. So I have an iPhone,
4 and when I do receive the messages, they typically have blue
5 background behind them. Sometimes if they come in green, you
6 might not have service, and it says that it came in as a text
7 message, which likely means that she may not have had service,
8 but the text message never came to my phone. So it may look as
9 if she sent it, but I don't have it on my phone.

10 THE COURT: Okay. And so any way we can share the
11 screen and you can show us what this looks like? Because I
12 don't know that I would reach the same conclusion about a text
13 message that means that you didn't receive it if it's green. I
14 could create a text message right now, I could not send it,
15 take a picture of it, and send it to you, and I think it would
16 be green. Is that also your understanding?

17 THE WITNESS: Yes. I can hold my phone up. I don't
18 know if that will -- it's small.

19 THE COURT: How do the parties feel about this? I
20 don't -- I don't know that the conclusion is that somebody
21 didn't have service. We should be able to have it, Ms. Nerino
22 should be able to pull it from Ms. Gu's cell phone, but, for
23 example, if I typed on my phone right now "Dear Mr. Drescher
24 and Ms. Nerino, this hearing is going to be finished in a
25 couple minutes," it would be -- it would not show as sent. I

1 could take a message -- I could take a picture of that. It
2 would not necessarily mean that it's a screenshot of something
3 from my phone or anything else like that. But I can't see what
4 this is.

5 Any thoughts about this? And probably we should have
6 explained that people should not be communicating during
7 testimony.

8 MR. DRESCHER: If I may, your Honor.

9 THE COURT: Sure.

10 MR. DRESCHER: I guess I would suggest that if Officer
11 Dickson is able to share, presumably through Officer Cowher,
12 the communication she received during this hearing, including
13 whatever image is associated with it, I think we'd all be
14 interested in that, and I would have no objection to that -- to
15 that being part of the Court's record. In fact, I think it
16 probably should be if the defendant is communicating with the
17 witness in real time.

18 And I guess with the Court's permission, I do have a
19 follow-up question for the -- for Officer Dickson relating to
20 the color of the message and the like issue, if you don't mind.

21 THE COURT: You may.

22 MR. DRESCHER: I appreciate that this is a little bit
23 less formal than a typical evidentiary hearing, it being a
24 revocation hearing.

25 Q BY MR. DRESCHER: Ms. Dickson, do you have any way of

Jessica Dickson - Redirect

1 confirming whether -- or -- I should say do you have any way of
2 knowing when Ms. Gu prepared the message that is portrayed in
3 this screenshot that she sent you? Do you know one way or the
4 other when she prepared that message?

5 A It says Thursday, July 15, 4:25 PM.

6 Q And other than the fact that the screenshot says that, do
7 you have any other way of knowing whether -- that it was
8 actually prepared at that time?

9 A I do not.

10 Q Have you ever had trouble communicating with Ms. Gu by
11 text message?

12 A I have not.

13 Q When she has been in residence at 7 Edith Place, have you
14 been able to communicate with her by text message?

15 A I don't know that she's ever actually in her home when I
16 communicate with her, so I can't answer that.

17 Q That's fair.

18 MR. DRESCHER: I guess I have nothing further.

19 THE COURT: Any further questions from you,
20 Ms. Nerino?

21 RECROSS-EXAMINATION

22 BY MS. NERINO:

23 Q Just to be clear, Officer Dickson, Ms. Gu did speak with
24 you via text message about the incident that Mr. Drescher has
25 been referring to, right, just in December? I mean, you did

Jessica Dickson - Recross

1 let Doug Cowher know about that?

2 A Yes.

3 Q And is that why you recommended that that no longer be a
4 violation?

5 A Yes.

6 MS. NERINO: Okay. No further questions.

7 THE COURT: So this is Judge Reiss.

8 Let me just clear this up. That's December of 2021?

9 THE WITNESS: Yes.

10 THE COURT: And that's -- she let you know that
11 charges had been brought, correct?

12 THE WITNESS: Correct.

13 THE COURT: Okay. And that is related to the police
14 questioning in -- earlier in the year, and that's what she
15 didn't report?

16 THE WITNESS: That's correct.

17 THE COURT: Okay. And we're not going to take up that
18 violation because when the charges were actually brought, she
19 did bring it to your attention?

20 THE WITNESS: Yes.

21 THE COURT: Okay. Was that the parties' understanding
22 as well?

23 MR. DRESCHER: That was my understanding.

24 MS. NERINO: Yes, your Honor.

25 THE COURT: Okay. That's all I have. Any follow-up

1 questions for the witness?

2 MR. DRESCHER: Not from the Government.

3 MS. NERINO: No, your Honor.

4 THE COURT: All right. Thank you, Ms. Dickson. You
5 are free to leave.

6 And we will see everybody on June 1st.

7 THE WITNESS: Thank you, your Honor.

8 THE COURT: Mr. Drescher wants to move something in.

9 Ms. Dickson, you are free to go, but we'll do something
10 else.

11 THE WITNESS: Thank you.

12 (The witness was excused.)

13 MR. DRESCHER: So we could do this on June 1 or -- I
14 figured I would try to do it now, unless the Court would prefer
15 to do it in person on June 1. When Ms. Gu testified at her
16 trial, she made several statements relating to her relationship
17 to the real estate at 7 Edith Place. She made statements
18 relating to her use of the name Aly Ling. And I believe those
19 statements are relevant to assessing her relationship to -- to
20 the issues at question in this hearing. I considered trying to
21 cull the precise statements into a subset exhibit, but in the
22 interest of completeness, I thought it would be -- I thought it
23 would be easiest and simplest to move the admission of her
24 testimony, which is marked as Exhibit 15 in the binder that's
25 been shared with the Court and the parties.

1 THE COURT: Will you by June 1 provide a designation
2 as to what sections of the testimony you want the Court to
3 focus on and then Ms. Nerino can cross-designate? Otherwise
4 you're going to -- I'm going to read a fair amount that I don't
5 need to read.

6 MR. DRESCHER: Yes, I can do that. I would -- what I
7 propose doing is I will send Ms. Nerino a PDF with highlighting
8 in a particular color, and she can then add her own highlights,
9 and we can take it up on June 1.

10 THE COURT: All right. Any objection to the admission
11 of Exhibit 15, which is Ms. Gu's trial testimony?

12 MS. NERINO: Your Honor, I would object at this point.
13 I would object primarily on relevance. I'm interested to see
14 what Mr. Drescher presents to me. So I would ask that your
15 Honor wait to rule on this until I can prepare arguments based
16 on what he seeks to introduce. And so my general objection
17 would be relevance at this point, but I'm interested to see
18 what he has, and I might withdraw that objection prior to the
19 commencement of the hearing next time.

20 THE COURT: All right. The Court would be inclined to
21 admit the trial testimony. It's an admission. We're here on a
22 supervised release violation coming out of that case, so it's
23 not something that has kind of nothing to do with why we are
24 here. But Ms. Nerino may have the better part of the argument
25 that if we can focus on portions of the testimony that should

1 be admitted, that's going to produce a more helpful exhibit for
2 the Court. So I will defer ruling on admission of Exhibit 15
3 until our June 1 hearing.

4 MR. DRESCHER: I appreciate that. Thank you.

5 MS. NERINO: Thank you, your Honor.

6 THE COURT: Anything further in this matter?

7 MR. DRESCHER: Nothing of substance other than just to
8 express thanks to everybody for allowing us to do it this way
9 to accommodate Ms. Dickson's schedule and to complete the
10 record.

11 MS. NERINO: Nothing further from the defense. Thank
12 you, your Honor.

13 THE COURT: I call this a pandemic yield. So I have
14 tried to look for every possible good thing coming out of the
15 pandemic, and the ability to be flexible with videoconference
16 is one of them.

17 So you are all free to leave, and we will see you soon.
18 Thank you.

19 (Court was in recess at 11:32 AM.)
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C E R T I F I C A T I O N

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

July 13, 2022

Johanna Massé, RMR, CRR

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